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Excessive controls limit effectiveness

'Time to remove CIA restraints'

By Stansfield Turner

"We need clear and quick passage of a new charter to define the legal authority and accountability of our intelligence agencies. We will guarantee that abuses do not recur, but we must tighten our controls on sensitive intelligence information and we need to remove unwarranted restraints on America's ability to collect intelligence."

President Carter's call in his State of the Union address to strengthen intelligence capabilities would have been unthinkable not so long ago. It represents the completion of a cycle begun in the mid-1970s and is important recognition that the controls and oversight imposed on intelligence activities since that time are working.

The time has now come to remove the restraints which encumber effective intelligence work and to seek a better balance between necessary controls and the freedom which intelligence agencies need to operate in the world as it is today.

From 1974 to 1976, beginning with the Rockefeller Commission, and followed by the Church and the Pike committees, American intelligence activities were investigated exhaustively. Without going into the problems which were reported — they have been well publicized — or their genesis, both the Congress and the president saw the need for better controls.

Executive orders were issued by President Ford (February 1976) and later by President Carter (January 1978), making intelligence authorities and prohibitions specific for the first time. The Intelligence Oversight Board was established to which anyone could bring allegations of wrongdoing. It would serve as the president's watchdog, looking into the legality and propriety of intelligence activities.

The National Security Council was made responsible to determine which questions intelligence would try to answer and to review proposals for sensitive clandestine activities. Finally, the budget and actual tasking of intelligence assets was consolidated under the director of central intelligence.

At the same time, the Senate and House each established a permanent intelligence committee to oversee intelligence activities.

These measures have worked. Both the administration and Congress have worked earnestly to rebuild mutual trust and to take any extra steps which were needed to guarantee that the new oversight procedures functioned effectively.

Nonetheless, I think all would agree that the determination of the president to make intelligence truly responsive to the oversight needs of the Congress has been crucial to the progress which has been made. Over the past three years, the White House and the select intelligence committees of Congress have closely overseen intelligence operations.

Appreciation of the problems involved in sound intelligence work has gone hand in hand with the firm application of the high standards by which all intelligence initiatives must be judged.

The genuine success of this renaissance in how American intelligence will be accomplished now permits the president to ask for the removal of some unwarranted restraints on intelligence activity. This both vindicates the correctness of the steps which have been taken and the important progress which has been made and recognizes that the pendulum has swung too far.

Excessive controls limit intelligence collection and adversely affect our relationships with foreign intelligence services.

For example, the Hughes-Ryan Amendment requires as many as eight congressional committees to be briefed on every covert action. Reducing that to just the two special intelligence committees (both created after the Hughes-Ryan Amendment was enacted) would diminish the risk to human life of leaks without reducing our accountability to Congress.

The Freedom of Information Act requires the detailed review of all Central Intelligence Agency files to satisfy FOIA requests, including those which contain information from our most sensitive sources. Limiting that review primarily to information about U.S. persons and finished intelligence would reassure important sources overseas, who are becoming more reluctant to cooperate with us, that there is no danger that their identities will become publicly known.

The discovery process in courts of law can require us to reveal more sensitive, classified information in open court to prosecute an alleged espionage case than was compromised in the first place by the accused. Often, rather than taking that risk, the government will choose not to prosecute.

This form of "graymail" could be prevented if special rules were established for the use of classified information in espionage and other criminal cases.

Finally, the absence of legislation that would specifically prohibit unauthorized disclosure of the identities of undercover U.S. intelligence officers and secret agents, informants and sources has hampered our ability to recruit new sources of intelligence.

Intelligence reform has taken place. American intelligence services operate under the informed control of the elected representatives of the people in both the executive and legislative branches. No one proposes that be changed.

which will formally legislate the authority and the limits of this country's intelligence activity. The moment is right not only to assure ourselves that the safeguards to civil liberties and constitutional rights are firmly in place, but that we have balanced these important guarantees against the practical imperative of maintaining the best intelligence arm of which we are capable. A strong CIA is more important to the national security of this country today than ever before.

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